

Permit No. **AZG2003-001**



**STATE OF ARIZONA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER QUALITY DIVISION  
PHOENIX, ARIZONA 85007**

**ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT FOR DISCHARGE FROM CONSTRUCTION ACTIVITIES  
TO WATERS OF THE UNITED STATES**

This permit provides authorization to discharge under the Arizona Pollutant Discharge Elimination System (AZPDES) program, in compliance with the provisions of the Arizona Revised Statutes, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code (A.C.C.), Title 18, Chapter 9, Articles 9 and 10, and the Clean Water Act as amended (33 U.S.C. 1251 et seq.).

This general permit specifically authorizes only discharges from construction activities in Arizona by those owners or operators who meet the eligibility requirements of this permit, who submit a complete Notice of Intent (NOI) in accordance with Part II of this general permit and who comply with the general permit requirements and conditions. All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit. Permit coverage is required from the "commencement of construction activities" until "final stabilization", as these terms are defined in this permit.

This general permit becomes effective on \_\_\_\_\_, 2008.

This general permit and the authorization to discharge expire at midnight, \_\_\_\_\_, 2013.

Issued this \_\_\_\_ day of \_\_\_\_\_ 2008.

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

Joan Card, Director  
Water Quality Division

**Permit No. AZG2008-XXX**

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## PART I. COVERAGE UNDER THIS GENERAL PERMIT

- A. Permit Area.** This general permit covers the state of Arizona, except for Indian country.<sup>1</sup>
- B. Eligibility.** This general permit authorizes stormwater discharges associated with construction activity and stormwater discharges associated with support activities from temporary plants or operations set up to produce concrete, asphalt, or other materials for the permitted construction project, provided the operator complies with all the requirements of this general permit and submits a Notice of Intent (NOI) in accordance with Part II of this general permit.

Any discharges that are not consistent with the eligibility conditions of this permit are not authorized by this permit. A person shall either apply for a separate Arizona Pollutant Discharge Elimination System (AZPDES) permit to cover such ineligible discharge(s), cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this permit.

**Individual Permit Requirements.** *If an operator desires, or is required by ADEQ, to obtain an individual stormwater permit, the operator cannot use an NOI for this purpose. Instead, the operator shall contact the ADEQ for the proper application procedure.*

**C. Authorized Discharges.**

1. Allowable Stormwater Discharges. An operator may discharge pollutants in:
  - a. Stormwater runoff associated with construction activities provided the discharge is conducted in compliance with this permit;
  - b. Discharges designated by ADEQ as requiring a stormwater permit under 40 CFR 122.26(a)(1)(v); 40 CFR 122.26(b)(15)(ii); or under 40 CFR 122.26(a)(9) and 40 CFR 122.26(b)(14)(x);
  - c. Stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
    - i. The support activity is directly related to a construction site that is required to have AZPDES permit coverage for discharges of stormwater associated with construction activity;
    - ii. The support activity is not a commercial operation (serving multiple unrelated construction projects by different operators) and does not operate beyond the completion of the construction activity for which the support activity is directly associated.
    - iii. The support activity is not otherwise covered by a separate AZPDES permit; and
    - iv. Appropriate best management practices (BMPs) for the discharges from the support activity areas are identified in the Stormwater Pollution Prevention Plan (SWPPP) and implemented.

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<sup>1</sup>The state of Arizona, Department of Environmental Quality, Water Quality Division, does not have permit authority for Indian country. Construction discharge permits for Indian country within the state shall be acquired through the Environmental Protection Agency (EPA) Region IX or other appropriate permitting authority.

2. Allowable Non-Stormwater Discharges.

- a. The discharge of non-stormwaters from construction sites shall be reduced or eliminated to the extent possible. When unavoidable, an operator may discharge only the following non-stormwaters, provided they are managed in a manner consistent with this permit:
  - i. Discharges from emergency fire-fighting activities;
  - ii. Water used to control dust, provided reclaimed water or other wastewaters are not used;
  - iii. Routine external building wash down where detergents are not used;
  - iv. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
  - v. Uncontaminated air conditioning or compressor condensate;
  - vi. Uncontaminated groundwater or spring water;
  - vii. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
  - viii. Fire hydrant flushing, potable water line or well flushing where the receiving waters are ephemeral;
  - ix. Water used for compacting soil, provided reclaimed water or other wastewaters are not used;
  - x. Water used for drilling and coring such as for evaluation of foundation materials, where flows are not contaminated with additives; and
  - xi. Water obtained from dewatering operations/foundations in preparation for and during excavation and construction.
- b. The operator shall identify on the NOI all non-stormwater discharges listed above that are expected to be associated with the project's construction activities.
- c. The operator shall address in the SWPPP all non-stormwater discharges listed above that are expected to be associated with the project's construction activities as required in Part IV.E.
- d. When non-stormwater discharge is unavoidable, the operator shall specify BMPs in the SWPPP and implement practices to minimize the frequency and duration of flow, and concentration of pollutants in such discharges.
- e. Non-stormwater discharges that may be significant contributors of pollutants shall be eliminated or authorized under a separate AZPDES permit.
- f. The operator is prohibited from discharging any non-stormwater that may reach a unique or impaired water during dry weather. Such discharges may only be released when co-mingled with stormwater during a precipitation event.

**D. Limitations of Coverage.**

1. Post-Construction Discharges. This general permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization and a Notice of Termination (NOT) has been filed. Post-construction stormwater discharges from industrial sites may need to be covered by a separate AZPDES permit.

2. Discharges Mixed with Non-Stormwater. This general permit does not authorize discharges that are mixed with sources of non-stormwater except as allowed in Part I.C.2.
3. Discharges Covered by Another AZPDES Permit. This general permit does not authorize stormwater discharges associated with construction activity which are covered under an individual permit or are required to obtain coverage under an alternative general permit.
4. Discharges Threatening Water Quality. This permit does not authorize discharges that will cause or contribute to non-attainment of water quality standards including narrative water quality standards, or to the designated use(s) of receiving waters (A.A.C. Title 18 Chapter 11). The operator shall design and implement BMPs sufficient to meet this requirement. At any time after authorization, ADEQ may determine that an operator's stormwater discharges may cause or contribute to non-attainment of any applicable water quality standards. If ADEQ makes such a determination, ADEQ shall notify the operator in writing. In response the operator shall develop a supplemental BMP action plan describing SWPPP modifications to address the identified water quality concerns; or submit an individual permit application. If ADEQ's written notice requires a response, failure to timely respond constitutes a permit violation. All responses provided under this part shall be certified in accordance with Part VIII.J of this permit.
5. Discharges to Impaired Waters. An operator is not automatically eligible to discharge under this permit if any portion of the site is within ¼ mile of receiving waters listed as impaired and/or non-attaining under 303(d) of the Clean Water Act.
  - a. To receive authorization, the operator shall submit the NOI and SWPPP to ADEQ. The SWPPP shall specifically identify BMPs that will minimize the discharge of pollutants from the site. The operator shall include in the SWPPP a monitoring plan that meets the requirements of Part V of this permit.
  - b. If a discharge contains pollutants for which a Total Maximum Daily Load (TMDL) has been established, the SWPPP shall specifically identify BMPs necessary to ensure the discharges will be consistent with the provisions of the TMDL.
  - c. If the operator receives a notification from ADEQ that the SWPPP is incomplete or otherwise found to be deficient, the operator shall revise it to address the Department's comments. Prior to authorization, ADEQ may require specific BMPs or monitoring be implemented or specific BMP design criteria be followed.
  - d. Within 32 business days of receipt of the SWPPP and a complete and accurate NOI, ADEQ will notify the operator whether: 1) it is acceptable to proceed under this general permit; 2) the SWPPP requires revisions; or 3) there is cause for eligibility denial. If notification is not received in this time-frame, the operator may assume coverage under this permit.
  - e. Degradation of Tier I waters (where the existing water quality does not meet applicable water quality standards) is not allowed under this permit. If a permittee's discharge causes or contributes to nonattainment of standards, more effective and/or additional BMPs must be added. If after the implementation of additional and/or more effective BMPs the discharge continues to contribute to nonattainment, the permittee shall cease all discharges under this permit and apply for coverage under an individual permit.

6. Discharges to Unique Waters. An operator is not automatically eligible to discharge under this permit if any portion of the site is within ¼ mile of receiving waters listed as unique (a.k.a. an Outstanding Arizona Water) in A.A.C. R18-11-112.
- a. To receive authorization, the operator shall submit the NOI and SWPPP to ADEQ. The SWPPP shall specifically identify BMPs that ensure the discharges will minimize discharge of pollutants from the site and that no degradation of the receiving water will occur. The operator shall include a monitoring plan in the SWPPP that meets the requirements of Part V of this permit.
  - b. Non-stormwater discharges except for emergency firefighting activities required to preserve human health or property are prohibited from direct discharge to unique waters.
  - c. If the operator receives a notification from ADEQ that the SWPPP is incomplete or otherwise determined to be deficient, the operator shall revise it addressing the Department's comments. Prior to authorization, ADEQ may require that specific BMPs or monitoring be implemented or specific BMP design criteria be followed.
  - d. Within 32 business days of receipt of the SWPPP and a complete and accurate NOI, ADEQ will notify the operator whether: 1) it is acceptable to proceed under the general permit; 2) the SWPPP requires revisions; or 3) there is cause for an eligibility denial. If notification is not received in this time-frame, the operator may assume coverage under this permit.
7. Exempt Discharges. Persons performing the following activities are not required to seek coverage under this permit, unless specifically required under (e) below.
- a. Construction projects that disturb less than one acre, unless part of a larger common plan of development or sale;
  - b. Routine maintenance that disturbs less than five acres that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a structure. In order to be eligible for this exemption no mass grading shall occur on the project site and the project shall have a duration of less than 30 calendar days.
  - c. Construction of water lines, electrical utility lines, etc., as part of the oil and gas exploration, production, processing, treatment, and transmission projects. This exemption does not include construction associated with distribution lines that deliver natural gas to homes businesses, etc., and operate at relatively low pressures, or those pipelines that transport refined petroleum product and chemicals from refineries and chemical plants.<sup>2</sup>
  - d. Construction activities covered under an Erosivity Waiver (Part I.E).
  - e. Additional Condition for Exemption. Persons that are not required to file for permit coverage under this section shall operate exempt construction sites in a manner that minimizes pollutants in the discharges. In the event discharges from the site may cause or contribute to non-attainment of water quality standards, ADEQ may require the operator to obtain permit coverage.

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<sup>2</sup> On June 12, 2006, USEPA published a rule that exempts construction activities at oil and gas sites from the requirement to obtain a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges except in very limited instances. These amendments are consistent with the Energy Policy Act of 2005 signed by the President of the United States on August 8, 2005. This action also encourages voluntary application of best management practices (BMPs) for construction activities associated with oil and gas field activities and operations to minimize erosion and control sediment to protect surface water quality. The final rule became effective June 12, 2006.



**E. Erosivity Waivers for Small Construction Activities.** A person performing construction activity which disturbs less than five acres may be exempted from obtaining coverage under this permit based on a low potential for soil erosion for the duration of the project. If any discharge point from the construction site is within ¼ mile of an impaired or unique water, the site is not eligible for this waiver. This exemption is predicated on certain criteria being met and proper application procedures being followed:

1. Calculating Erosivity. Low potential for erosion is defined as a rainfall erosivity (R) factor of less than five as calculated using ADEQ's Smart NOI Web site.

The small construction project's rainfall erosivity factor calculation shall be less than five during the **entire** period of construction activity. The period of construction activity begins at initial earth disturbance (commencement of construction activities) and ends with final site stabilization.

The applicant shall certify to ADEQ that construction activity will occur only when the rainfall erosivity factor is less than five.

*Note: Construction activities that disturb five acres or greater, or less than five acres but are part of a common plan of development or sale, are not eligible for this waiver.*

2. Permit Waiver Certification. The operator shall submit an AZPDES Permit Waiver Certification Form using the Smart NOI Web site to ADEQ before commencing construction activities in accordance with Part III.B.

An operator of a construction activity that is eligible for a waiver based on low potential for erosion shall provide the following information on the Permit Waiver Certification Form:

- a. The name, address, and telephone number of the construction site operator(s);
- b. The name (or other identifier), address, county, of the construction project or site;
- c. An accurate latitude and longitude (in degrees/minutes/seconds format) of the construction project or site at the point of discharge nearest to the receiving water;
- d. The project start and completion (final stabilization) dates;
- e. Estimates of the total project acreage and the acreage to be disturbed by the operator submitting the NOI, to the nearest 1/10 acre;
- f. If there is potential for discharge to a municipal separate storm sewer system (including municipal streets and other improvements that can convey stormwater), the name of the municipal operator of the storm sewer;
- g. Verification that the rainfall erosivity factor calculation that applies to the active construction phase at the project site is less than five calculated using ADEQ's Smart NOI Web site; and
- h. The certification statement, signed by a qualified signatory as defined in Part VIII.J.

3. Deadline for Notification. Operator(s) of a project which qualifies for the Permit Waiver shall ensure that ADEQ receives a signed Permit Waiver Certification Form at least two business days prior to the commencement of construction activities. In the absence of a Permit Waiver Certification submittal, ADEQ will assume that the operator was required to apply for coverage under the construction general permit.

4. Projects Which Extend past Certified Period. If the small construction project continues beyond the calculated "end date" as shown on the Permit Waiver Certification, the operator shall prepare a SWPPP and submit an NOI as required under Parts II and III before the end of the certified waiver period.

## **PART II. AUTHORIZATION UNDER THIS GENERAL PERMIT**

*Important: The operator shall read and understand all the conditions and requirements of this permit before submitting any of the forms described in Part II.*

- A. Prerequisites for Submitting a Notice of Intent (NOI).** A person may be authorized to discharge under this permit only if the stormwater discharge is associated with construction activities from the project site. Prior to submission of an NOI, an applicant seeking authorization to discharge under this general permit shall:
  1. Meet the eligibility requirements under Part I.B; and
  2. Develop and implement a SWPPP that meets Part III of this permit and that covers either the entire site or all portions of the site for which the person is an operator.
    - i. The SWPPP shall be prepared prior to submission of the NOI and shall be implemented prior to the start of construction.
    - ii. The SWPPP is not required to be submitted to ADEQ (unless the project will discharge to an impaired or unique water as described in Part I.D.5 and I.D.6) but be retained and made available in accordance with Part III.G.
- B. Submitting a NOI.**
  1. Application Required.
    - a. The operator shall submit separate and complete NOIs to ADEQ for each project which disturbs one or more acres of land. The operator of a common plan of development or sale that will ultimately disturb one or more acres must submit completed NOIs to the ADEQ.
    - b. Submission of the NOI demonstrates the operator's intent to be covered by this permit; it is not a determination by ADEQ that the operator has met the eligibility requirements for the permit. Discharges are not authorized if ADEQ notifies the operator that further evaluation is necessary, or the discharges are not eligible for coverage under this permit.
    - c. Whenever the operator changes or another is added during the construction project, the new operator shall also submit an NOI to be authorized under this permit before taking over operational control or commencing construction activities at the site.
  2. NOI Requirements. Construction site owners or operators seeking authorization for stormwater discharges under this general permit shall submit (by photocopy/fax/email/electronically) a complete and accurate AZPDES NOI form to ADEQ. The NOI form contains, at a minimum, the following information:
    - a. The name, address, and telephone number of the construction site operator;
    - b. Whether the operator is a federal, state, tribal, private, or other public entity;
    - c. The type of project (ADOT projects shall be specifically identified on the NOI);

- d. Whether the project is part of a greater plan of development;
- e. Estimates of the total project acreage and the acreage to be disturbed by the operator submitting the NOI, to the nearest 1/10 acre;
- f. The name (or other identifier), address, county of the construction project or site;
- g. An accurate latitude and longitude (in degrees/minutes/seconds format) of the construction project or site at the point nearest the receiving water. For sites which are part of a larger common plan of development, the operator shall provide the latitude and longitude of the discharge point for the portion of the site covered by that NOI;
- h. Whether the site is located on Indian country lands;
- i. Confirmation that a SWPPP meeting the requirements in Part III of this permit has been developed and will be implemented prior to commencement of construction activities. If the NOI is a late application, the operator shall certify that a SWPPP has been developed and implemented prior to submittal of the NOI. (ADEQ reserves the right to take enforcement action for any unpermitted discharge or permit noncompliance that occurs between the time construction commenced and discharge authorization is granted);
- j. The onsite location where the SWPPP may be viewed and the name and telephone number of a contact person;
- j. The name of the receiving water(s);
- k. The name of the municipal separate storm sewer system or any privately owned conveyance into which there is a potential to discharge, if applicable;
- m. The project's estimated start and completion dates;
- n. Any non-stormwater discharges expected to be associated with construction activities at the site;
- o. Whether the project has or will need any other environmental permits or approvals, including subdivision approvals and 404 permits, and the permit number, if applicable;
- p. Whether any portion is within ¼ mile of an impaired or unique water; and
- q. The following certification statement, signed and dated by a qualified signatory, as defined in Part VIII.J, and the name and title of the person who signs:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons direction responsible for gathering the information, I believe the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition I certify that the permittee will comply with all terms and conditions stipulated in General Permit No. AZG2003-001 issued by the Director."*

3. Where to Submit. The applicant shall submit the NOI electronically via the Smart NOI Web site or submit a paper copy to:

Arizona Department of Environmental Quality  
 Surface Water Section/Permits Unit/Stormwater NOIs (5415A-1)  
 1110 W. Washington Street  
 Phoenix, Arizona 85007  
 or fax to (602) 771-4528

*Note: The permittee shall receive an authorization certificate (by mail for faxed or mailed submittals or printed from the Smart NOI system for electronic submittals) assigning a permit authorization number and stating the approval date. This authorization certificate is **not** the permit - it merely acknowledges that the NOI has been received by the Department and the operator is authorized to discharge subject to the terms and conditions of this general permit.*

4. Notification to Municipal Separate Storm Sewer Systems/Local Authorities. If the construction site has the potential to discharge to a municipal separate storm sewer system (MS4), whether or not the MS4 is regulated by an AZPDES permit, the applicant shall also send a copy of the certificate authorizing permit coverage to the local authority.
5. Effective Date of Permit Coverage.
  - a. Incomplete NOI Submitted.
    - i. If ADEQ notifies the operator that an NOI is incomplete or incorrect, the operator shall resubmit an amended NOI if the operator still intends to obtain coverage under this permit; and
    - ii. Whether or not ADEQ notifies the operator of a deficiency in the NOI, discharges are not authorized under this permit if the operator submits an incomplete or incorrect NOI.
  - b. Discharges to Impaired or Unique Waters. Applicants proposing a site that has the potential for discharge to reach impaired or unique waters are not authorized under this permit for a minimum of 32 **business** days following receipt of the signed NOI and SWPPP. ADEQ may notify operators within this time-frame that there is cause for SWPPP amendment or denial of coverage as specified in Parts 1.D.5 and 1.D.6 of this permit. If notification is not received in the 32 **business** day time-frame, the operator may assume coverage under this permit.
  - c. NOIs Requiring Additional Evaluation. ADEQ may notify an operator that authorization to discharge shall not occur for up to 32 **business** days in the event that review of the NOI identifies information requiring further evaluation. This notification may be made either in writing, email, by fax or phone contact. Operators receiving notice of a delay in coverage may discharge 32 **business** days after the date the signed NOI is received unless further notice is received from ADEQ during this time-frame. Such further notice may confirm authorization to discharge or deny permit coverage and require an application for individual permit.
  - d. Routine Coverage. Except as provided in 5.a. through 5.c. above, eligible operators are authorized to discharge stormwater from construction activities under the terms and conditions of this permit at the time the operator receives the authorization certificate from ADEQ. Applicants that submit a SMART NOI using the electronic signature option will typically obtain immediate authorization unless the site is located near unique or impaired waters or in areas designated for review due to potential endangered species concerns.

Parts II.B.5.b and II.B.5.c do not apply to operators of on-going construction projects that were authorized to discharge under the 2003 Construction General Permit (AZG2003-001), and that comply with the conditions of Part II.B.6.b of this permit.

- e. Change in Operators. For construction projects where the operator changes, including instances where an operator is added after an NOI has been submitted, the new operator shall receive an authorization certificate before assuming operational control or commencing work on-site.

6. Deadlines for Notification.

- a. New Projects. An operator of a construction project shall receive an NOI authorization or waiver certification prior to taking over operational control or the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).
- b. Ongoing Construction Projects.  
Operators of construction projects ongoing as of the effective date of this permit that received authorization to discharge for these projects under the expired construction general permit (AZG2003-001) shall:
  - i) For the first 90 days from the effective date of this permit, continue to comply with the terms and conditions of the expired construction general permit (AZG2003-001);
  - ii) Update the SWPPP as necessary to comply with the requirements of Part III of this permit within 90 days of the effective date of this permit (and before submitting a new NOI as described in Part iii below); **and**
  - iii) Submit a complete and accurate NOI according to Part II within 90 days of the effective date of this permit. The previously issued Authorization Number (AZCON-XXXXX) shall be included on the NOI for identification purposes.  
*Note: this is not considered a revision to the original NOI.*

*Note: If the operator is eligible to submit a Notice of Termination (NOT) (e.g., construction is finished and final stabilization has been achieved) before the 90th day, a new NOI is not required to be submitted, provided a NOT is submitted before the 90th day of the effective date of this permit.*

- 7. Late Applications. The operator is only permitted for discharges that occur after a complete and accurate NOI is received by ADEQ and authorization is granted. ADEQ reserves the right to take enforcement action for any unpermitted discharges or permit noncompliance that occur between the time construction commenced and either permit authorization is granted, denied, or a complete and accurate Permit Waiver Certification is submitted.

**C. Submitting an NOT.**

- 1. Notice Required. The operator shall submit a complete and accurate Notice of Termination (NOT) to ADEQ within 30 days after any of the following conditions have been met:
  - a. Final stabilization has been achieved on all portions of the site for which the operator is responsible. Final stabilization means that one of the following conditions (i, ii or iii) is met:
    - i. All soil disturbing activities at the site have been completed; all construction materials, waste, and temporary erosion and sediment control BMPs (including any sediment that was being retained by the temporary erosion and sediment control BMPs)

have been removed and properly disposed; and either A or B below is met:

- A) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ( $.70 \times .50 = .35$ ) would require 35 percent total cover for final stabilization. For example, on a beach with no natural vegetation, no stabilization is required; or
  - B) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- ii. For individual lots in residential construction, final stabilization means that the homebuilder:
- A) Has completed final stabilization as specified in Part C.1.a. above, or
  - B) Has established temporary stabilization, including perimeter controls, for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
- iii. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to water of the U.S., and areas which are not being returned to their preconstruction agricultural use shall meet the final stabilization criteria above.
- b. Another operator who has a valid authorization number under this general permit has assumed control over all areas of the site that have not been finally stabilized;
  - c. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner (or a homeowner's association) in accordance with Part II.C.1.a.ii above;
  - d. Construction activity was never initiated and plans for construction have been permanently abandoned or indefinitely postponed.

*Note: NOTs can only be filed for those sites which obtained timely permit authorization by submitting a complete and accurate NOI. Sites which did not receive permit authorization are not able to terminate permit coverage.*

2. NOT Requirements. The operator shall submit to ADEQ a complete and accurate AZPDES NOT form (photocopy/fax/email/ electronic). The NOT form at a minimum shall include:
- a. The AZPDES authorization number for the stormwater discharge;
  - b. The basis for submission of the NOT;
  - c. The name, address, and telephone number of the operator submitting the NOT;

- d. The name of the project and street address (or a description of location if no street address is available) of the construction site for which the notification is submitted;
- e. An accurate latitude and longitude (in degrees/minutes/seconds format) of the construction project or site at the point nearest to the receiving water; and
- f. The following certification, signed by a qualified signatory as defined in Part VIII.K.2 of this permit and the name and title of the person who signs. For construction projects with more than one operator, the operator shall only make this certification for those portions of the construction site where he was authorized under this permit and not for areas where he was not an operator:

*"I certify under penalty of law that all stormwater discharges associated with construction activity from the identified facility that are authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES or AZPDES permit. I also understand that the submittal of this Notice of Termination does not release me from liability for any violations of this permit or the Clean Water Act."*

- 3. Where to Submit. The operator shall submit the complete and accurate NOT form electronically via the Smart NOI Web site or submit a paper copy to:

Arizona Department of Environmental Quality  
Surface Water Section  
Stormwater & General Permits Unit / NOI (5415A-1)  
1110 W. Washington Street  
Phoenix, Arizona 85007  
or fax to (602) 771-4528

*Note: The permittee shall receive an acknowledgement letter upon ADEQ's receipt of the permittee's completed NOT form.*

- 4. Notification to Municipal Separate Storm Sewer Systems/Local Authorities. If, under Section II.B.4, the permittee was required to notify the MS4, the permittee shall submit a copy of the NOT acknowledgement letter to the local authority.
- 5. Effective Date of Permit Termination. Authorization to discharge terminates under this permit at midnight on the date the NOT is received by the Department.

### **PART III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) PREPARATION**

**A. General Information.**

1. The operator shall prepare a SWPPP before submitting the NOI for permit coverage and prior to conducting any construction activity. In preparing the SWPPP, the operator shall comply with Arizona Board of Technical Registration (BTR) requirements.

*(For projects which did not prepare a SWPPP and file an NOI before commencement of construction activity, see late filing in Part II.B.2.i)*

At least one SWPPP must be developed for each construction project or site covered by this permit. A joint SWPPP may be developed and implemented as a cooperative effort where there is more than one operator at a site. All operators shall either implement their portion of a common SWPPP or develop and implement their own SWPPP.

2. The SWPPP shall be prepared and implemented in accordance with good engineering practices and shall:
  - a. Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site;
  - b. Identify, describe, and ensure implementation of BMPs that will be used to reduce the amount of pollutants in stormwater discharges from the construction site;
  - c. Assure compliance with the terms and conditions of this permit; and
  - d. Identify the responsible party for on-site SWPPP implementation.
3. All operator(s) shall sign and certify the SWPPP they will implement in accordance with Part VIII.J.
4. The operator shall implement the SWPPP from initial commencement of construction activity until final stabilization is complete and an NOT is filed, or an NOT transferring the site to a new operator is received by ADEQ.
5. SWPPPs that do not meet all provisions of this permit are considered incomplete. Operating under an incomplete or inadequate SWPPP is a violation of the permit.

**B. Types of Operators**

1. Definition of Operator. Operator means any person associated with a construction project that meets one or both of the following two criteria:
  - a. The person has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
  - b. The person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).
2. Operator Requirements. Either Part III.B.2.a or B.2.b, or both, will apply depending on the type of operational control a person exerts over the site. Part III.B.2.c applies to all operators who have control over only a portion of a construction site.

- a. Operators with Operational Control over Construction Plans and



Specifications shall ensure that:

- i. The SWPPP indicates the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications;
  - ii. All other operators implementing portions of the SWPPP impacted by any changes made to the SWPPP are notified of such modifications in a timely manner; and
  - iii. The SWPPP indicates the name(s) of the party(ies) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions.
- b. Operators with Control over Day-to-Day Activities shall ensure that:
- i. The SWPPP identifies the parties responsible for implementation of BMPs identified in the SWPPP;
  - ii. The SWPPP indicates areas of the project where each operator has operational control over day-to-day activities; and
  - iii. The SWPPP indicates the name(s) of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).
- c. Operators with Control over Only a Portion of a Larger Project (e.g., one of four homebuilders in a subdivision), are responsible for compliance with the terms and conditions of this permit as it relates to the activities on his/her portion of the construction site (including implementation of BMPs required by the SWPPP). Operators shall ensure either directly or through coordination with other operators, that activities do not render another party's BMP(s) ineffective.

**C. Site and Activity Description**

1. Identification of Operators. The SWPPP shall identify all operators for the project site, and the areas over which each operator has control.
2. Site Description. The SWPPP shall describe the nature of the construction activity, including:
  - a. A description of the project and its intended use after the NOT is filed (e.g. low density residential, shopping mall, highway, etc.);
  - b. A description of the intended sequence of activities that disturb soils at the site (e.g., grubbing, excavation, grading, utilities, infrastructure installation, etc.);
  - c. The total area of the site, and an estimate of the total area of the site expected to be disturbed by construction activities including off-site supporting activities, borrow and fill areas, staging and equipment storage areas;
  - d. The percentage of the site that is impervious (e.g., paved, roofed, etc.) before and after construction;
  - e. A description of the site's soils including potential for erosion; and
  - f. A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) with enough detail to identify:
    - i. The location of the construction site; and
    - ii. The surface waters within one mile **radius** of the site.
3. Site Map. The SWPPP shall contain a legible site map completed to-scale,

showing the entire site that identifies:

- a. Drainage divides and direction of stormwater flow for all drainage areas located within the project limits (i.e., use arrows to show which way stormwater will flow);
- b. Areas of soil disturbance and areas that will not be disturbed;
- c. Locations of temporary and permanent BMPs identified in the SWPPP;
- d. Locations where stabilization BMPs are expected to occur;
- e. Locations of off-site material, waste, borrow areas, or equipment storage areas, and other supporting activities;
- f. Locations of all surface water bodies (including dry washes and wetlands). If none exist on site, the SWPPP shall indicate so;
- g. Locations where stormwater discharges to a surface water (including wetlands, ephemeral waters and dry washes) and to a municipal separate storm sewer system (MS4) (i.e., use arrows to indicate discharge location). Where surface waters and/or MS4s receiving stormwater will not fit on the plan sheet, they shall be identified with an arrow indicating the direction and distance to the surface water and/or MS4;
- i. Locations and registration numbers of all on-site dry wells and dry wells off site that have the potential to receive stormwater from the site (If none exist the SWPPP shall indicate so); and
- j. Areas where final stabilization has been accomplished and no further construction permit requirements apply (if none, the SWPPP shall indicate so).

4. Receiving Waters. The SWPPP shall identify the nearest receiving water(s), including ephemeral and intermittent streams, dry washes, and arroyos. If applicable, the SWPPP shall also identify the areal extent and describe any wetlands near the site that could be disturbed or that could potentially receive discharges from disturbed areas of the project.

5. Best Management Practices.

- a. The SWPPP shall describe all BMPs as required in Part IV and that will be implemented as part of the construction project to control pollutants in stormwater discharges.
- b. For each major activity identified in the project description, the SWPPP shall clearly describe:
  - i. Appropriate BMPs;
  - ii. The general sequence during the construction process or schedule that the BMPs will be implemented; and
  - iii. Which operator is responsible for the implementation of the BMPs.
- c. Standard detail drawings and/or specifications for the BMPs, including installation details, used on the project shall be included in the SWPPP.

6. Summary of Potential Pollutant Sources. The SWPPP shall identify the location and describe any pollutant sources from areas other than construction (i.e., support activities including stormwater discharges from dedicated asphalt or concrete plants and any other non-construction pollutant sources such as fueling operations, materials stored on-site, waste piles, equipment staging yards, etc.). The operator shall implement BMPs in these areas to minimize pollutant discharges and shall detail these BMPs in the SWPPP.

If any discharge point from the construction site is within ¼ mile of an impaired

water, the SWPPP shall identify sources of the pollutants of concern listed on the 303(d) list that may potentially be discharged from the construction site and describe additional or enhanced BMPs to minimize discharges of these pollutants

**D. Permit Related Records**

The operator shall include in the SWPPP:

1. A copy of this permit;
2. A copy of the NOI that was submitted to ADEQ;
3. A copy of the authorization certificate received from ADEQ;
4. Identification of any municipality which received a copy of the authorization certificate; and
5. Copies of any other agreements with any state, local, or federal agencies that would affect the provisions or implementation of the SWPPP, if applicable.

**E. Maintaining an Updated SWPPP**

The SWPPP shall be revised as necessary during permit coverage to reflect current conditions and to maintain accuracy if there are changes in design or construction of the project, or if the SWPPP is found to be deficient. The operator shall amend the SWPPP within 15 business days whenever:

1. There is a change in design, construction, operation, or maintenance at the construction site that may have a significant effect on the discharge of pollutants to the waters of the U.S. that has not been previously addressed in the SWPPP; or
2. During inspections, monitoring if required, or investigations by the operator or by local, state, municipal separate storm sewer system, or federal officials, it is determined the discharges are causing or contributing to water quality exceedances or the SWPPP is ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the construction site.

**F. Deficiencies in the SWPPP**

ADEQ may notify the operator at any time that the SWPPP does not meet one or more of the requirements of this permit. The notification shall identify the parts of this permit that are not being met and parts of the SWPPP that require modification to comply with permit. Within 15 business days of receipt of the notification from ADEQ (or as otherwise provided by ADEQ), the operator shall make the required changes to the SWPPP and submit to ADEQ a written certification that the changes have been made. ADEQ may require re-submittal of the SWPPP to confirm all deficiencies have been adequately addressed. ADEQ may also take enforcement action for the period of time the operator was operating under a SWPPP that did not meet the minimum requirements of this permit.

**G. Posting, SWPPP Review and Making SWPPPs Available**

1. The operator shall post a copy of the authorization certificate in a conspicuous location near the main entrance of the construction site. For linear projects, the authorization certificate shall be posted near the entrance where most of the construction activity is occurring.
2. A copy of the site specific SWPPP shall be made available from commencement of construction activities to the date of final stabilization and NOT submittal as follows:
  - a) The SWPPP shall be locally available to the Department or any other federal, state or local authority having jurisdiction over the project at any reasonable time (generally Monday through Friday, 8:00 am to 5:00 pm).

- b) The SWPPP shall be on-site whenever construction or support activities are actively underway.
- 3 The SWPPP shall be made immediately available to the Department or any other federal, state, or local authority having jurisdiction over the project at the time of an on-site inspection.
- 4 Any person, including, tribal authority, state, federal or local agency may make a written request to ADEQ for access to a copy of the SWPPP. ADEQ shall request, and within 7 calendar days the operator shall provide, a copy for ADEQ to make available for public review.

#### **PART IV. BMP REQUIREMENTS FOR CONSTRUCTION ACTIVITIES**

##### **A. General Requirements.** The operator shall:

- 1. Identify and describe all BMPs to be implemented at the construction site in the SWPPP.
- 2. Properly select, install, and maintain all BMPs per the manufacturers' specifications and good engineering practices so BMPs remain functional and effective.
- 3. Design erosion and sediment control BMPs to retain sediment on site to the extent practicable.
- 4. Implement a combination of erosion and sediment control BMPs to achieve maximum pollutant removal.
- 5.. Install sediment control/perimeter control BMPs before upgradient land is disturbed. Temporary BMPs shall not be removed until final stabilization is achieved except when temporary control structures must be moved in order to allow construction activities to continue. In this instance, the operator shall implement equivalent measures to ensure the same level of protection in minimizing potential pollutant discharges.

##### **B. Erosion Control/Stabilization BMPs**

- 1. Description. The operator shall implement interim and permanent erosion control and stabilization BMPs on-site and shall comply with the following:
  - a. Preserving Natural Vegetation. If natural vegetation is to be preserved, the operator shall clearly mark vegetation before clearing activities begin. Locations of trees and boundaries of environmentally sensitive areas and buffer zones to be preserved shall be identified on the SWPPP site map;
  - b. Seeding. If revegetation plans include seeding, the SWPPP shall include seed mix and application specifications that will be used for vegetative stabilization;
  - c. Culvert Stabilization. If culverts are present on the site, the SWPPP shall include measures to sufficiently stabilize soil at culvert locations to prevent the formation of rills and gullies during construction; and
  - e. Run-on diversion. If off site areas direct flow onto the construction site,

the SWPPP shall include plans to divert run-on flows, or otherwise include plans for engineering controls and BMPs to account for off site contributions of stormwater and non-stormwater flow.

*Note: Soil crusting from water application, commonly used for dust control, is not an acceptable erosion control/stabilization BMP.*

2. Schedule and Deadlines for Stabilization.

The operator must provide temporary stabilization, or initiate permanent stabilization, of disturbed areas within 14 days of the most recent land disturbance in areas where construction or support activities have temporarily been suspended or have permanently ceased, except as follows:

- a. Where stabilization by the 14<sup>th</sup> day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;
- b. When the site is using vegetative stabilization but is located in an arid area **and** it is during seasonally arid conditions, vegetative stabilization measures shall be initiated as soon as practicable;
- c. When the site is using vegetative stabilization but is located in other areas of the state experiencing drought conditions (see definitions), vegetative stabilization measures shall be initiated as soon as practicable;
- d. Stabilization shall be initiated within 7 days, for areas within 50 feet of an impaired or unique water.

3. Records of Stabilization. The operator shall maintain the following records as part of the SWPPP:

- a. Dates when major grading activities occur;
- b. Dates when construction activities temporarily or permanently cease on any portion of the site; and
- c. Dates when stabilization measures are initiated and completed and reasons for delay, if applicable.

**C. Sediment Control BMPs**

The operator shall implement structural BMPs to divert flows from exposed soils, store flows, or otherwise limit run-off and the discharge of pollutants from exposed areas of the site to the degree attainable. Placement of structural BMPs in floodplains shall be avoided to the degree practicable.

1. Perimeter Control. The operator shall use silt fences, vegetative buffer strips, sediment traps, or equivalent sediment control BMPs at all times for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin that will store either a calculated volume of runoff from a 2 year, 24 hour storm, or 3,600 cubic feet per acre drained, is provided.
2. Soil stockpiles. The operator shall use silt fences or other effective sediment controls around soil stockpiles. The operator shall not place stockpiles in washes or other surface waters, or in storm water conveyances such as curb and gutter systems, or in streets leading to such conveyances
3. Sediment Basins.

- a) Where attainable, the operator shall provide temporary (or permanent) sediment basins at sites with common drainage locations that serve an area with 10 or more acres disturbed at one time. The operator shall design and construct basins as follows:
  - i. The basin shall provide storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or
  - ii. Where no calculation is performed, a sediment basin providing 3,600 cubic feet of storage per acre drained shall be provided.

When computing the number of acres draining into a common location it is not necessary to include flows from offsite areas, if such flows are diverted around both the disturbed areas and the sediment basin. It is also not necessary to include flows from on-site areas that are either undisturbed or have undergone final stabilization.

In determining whether installing a sediment basin is attainable, the operator shall consider physical limitations at the site such as soils, slope, and available on-site area. If non-attainability is claimed, the operator shall explain in the SWPPP why a sediment basin is non-attainable. The operator shall also consider public safety, especially as it relates to children, as a design factor for sediment basin attainability and shall implement alternative sediment control BMPs if site limitations preclude a safe design.

The SWPPP shall provide sizing and calculation requirements for sediment basin(s) and shall indicate whether the basin(s) will be temporary or permanent.

- b. The operator shall use smaller sediment basins and/or sediment traps for drainage locations that serve 10 or more disturbed acres at one time if a sediment basin meeting the provision of Part IV C.3.a is not attainable,
  - c. The operator shall maintain sediment basins and/or traps until final stabilization of the site.
- 4. Dry Weather Discharges. The operator shall implement effective BMPs that ensure there is no discharge of sediments from construction activities to any waterbody during dry weather.
  - 5. Velocity Dissipation Devices. The operator shall place velocity dissipation BMPs along the length of any outfall channel on-site, and at locations where discharges leave the construction site as necessary to provide a non-erosive flow velocity.
  - 6. Inlet Protection. The operator shall provide effective sediment control BMPs at all operational inlets at all times, except as necessary to preserve and protect property and public safety, during construction until all sources with potential for discharging to the inlet are stabilized.
  - 7. Construction Site Entrance and Egress. The operator shall implement effective BMPs to minimize tracking of sediments, debris and other pollutants from vehicles and equipment entering and leaving the site (e.g., stone pads, concrete or steel wash racks, or equivalent systems).

#### **D. Non-Structural BMPs**

1. Good Housekeeping BMPs. The operator shall implement good housekeeping procedures to prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming a pollutant source for stormwater discharges, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.
2. Offsite Material Storage. The operator shall include offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used for the permitted project in the SWPPP unless those areas are covered by another AZPDES permit. The operator shall also identify and address offsite material storage areas or borrow areas used by the project.

**E. Non-Stormwater Discharge BMPs**

1. The operator shall not allow any non-stormwater discharges from the site unless they are specifically authorized in Part I.C.2.
2. The operator shall eliminate or reduce all non-stormwater discharges to the extent practicable. If discharges cannot be eliminated, the operator shall include the following information in the SWPPP for all non-stormwater discharge (except for flows from emergency fire fighting activities),
  - i. Identification of each non-stormwater discharge expected to be associated with the project;
  - ii. The location(s) where each discharge is likely to occur; and
  - iii. Appropriate BMPs that the operator will use to minimize the discharge of pollutants.
3. The operator shall ensure all water from dewatering or basin draining activities is discharged in a manner that does not cause nuisance conditions, including erosion in receiving channels or on surrounding properties.
4. The operator shall retain superchlorinated wastewaters on-site until the chlorine dissipates, or shall otherwise effectively dechlorinate the water prior to discharge.

**F. Post-Construction Stormwater Management**

1. The SWPPP shall include a description of post-construction stormwater management BMPs that will be installed during the construction process to control pollutants in stormwater discharges after construction has been completed.
2. The operator may use temporary sediment basins in the post-construction phase as retention or detention basins provided the operator removes and properly disposes all sediment accumulated during construction activities.
3. Post-construction structural BMPs shall be placed on upland soils to the degree attainable.
4. The installation of permanent post-construction features that directs stormwater to unique waters is prohibited under this permit.

*Note: The installation of these devices may also require a separate permit under section 404 of the Clean Water Act.*

*Note: The operator is only responsible for the installation and maintenance of stormwater management measures up to and including final stabilization of the site, and is not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. However, post-construction stormwater BMPs that discharge pollutants from point sources once construction is completed, may in themselves, need authorization under a separate AZPDES permit.*

**G. Other BMPs**

The SWPPP shall describe:

1. Measures to prevent the discharge of solid materials, including building materials, to waters of the US, except as authorized by a permit issued under section 404 of the Clean Water Act; and
2. Measures to minimize the generation of on-site dust.
3. Measures to contain and manage vehicle and equipment washing and concrete wash-out in compliance with applicable Aquifer Protection Program (APP) permits.

**H. Inspections**

The operator shall provide "qualified personnel" to perform inspections according to the selected inspection schedule identified in the SWPPP.

1. Inspection Schedule.

- a. Inspection Schedule. The operator shall ensure inspections are performed at the site as indicated below to ensure BMPs are functional and that the SWPPP is being properly implemented.
  - i. The site shall be inspected at least once every 14 calendar days throughout the project, and
  - ii. During the monsoon season, the site shall be inspected at least once every 7 calendar days, and also within 24 hours of the end of each storm event of 0.25-inches or greater in 24 hours.
- b. Reduced Inspection Schedule. If the site has been temporarily stabilized; or runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists), the operator may reduce the inspection frequency to at least once every 28 calendar days, and when a rain event is anticipated, and within 24 hours of the end of each rain event of 0.25 inches or greater in 24 hours.
- c. Inspection Schedule for Sites within ¼ mile of Impaired or Unique Waters. If any discharge point from the construction site is within ¼ mile of a unique or impaired water, the operator shall inspect the site at least once every 7 calendar days. In addition, the operator shall visually observe stormwater discharges at all discharge locations within one business day after each storm event of 0.25 inches or greater in 24 hours.

*Note: If the inspection day falls on a Saturday or holiday, the inspection shall be conducted on the preceding workday. If the inspection day falls on a Sunday, the inspection shall be conducted on the following Monday.*

2. Inspector Qualification. All Inspections shall be done by qualified personnel. "Qualified personnel" means a person (or personnel) knowledgeable in the principles and practice of erosion and sediment control BMPs, and who possesses the skills and abilities to assess conditions at the site that could impact stormwater quality and the effectiveness of the BMPs selected to control the quality of the stormwater discharges. The inspector(s) shall be identified by name and title in the SWPPP. A description of his/her qualifications or copy of his/her training certificate, if any, shall be included in the SWPPP.



3. Scope of Inspections.
- a. At a minimum, the inspector shall examine each of the following during each inspection:
    - i. All erosion and sediment control BMPs identified in the SWPPP to ensure they are in place and functioning as intended;
    - ii. All areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation;
    - iii. Locations where vehicles and equipment enter or exit the site for evidence of tracking sediment, debris, and other pollutants onto and off the site;
    - iv. Site conditions for evidence of, or the potential for, pollutants entering the drainage system;
    - v. Accessible discharge locations or discharge points to ascertain whether erosion and sediment control BMPs are effective in preventing significant impacts to receiving waters; and
    - vi. Where discharge locations are inaccessible, nearby downstream locations to the extent that the inspections are practicable.
  - b. The inspector shall document all areas inspected, the presence and effectiveness of BMPs, and the conditions found at the time of inspection.
  - c. All nonfunctional and underperforming BMPs shall be repaired, replaced, or supplemented with functional BMPs.
4. Inspection Report. For each inspection, the operator shall complete an inspection report which provides information that is equivalent to the sample form provided in Appendix A. Within 24 hours of completing the inspection, the corresponding inspection report shall be placed with previous reports (in chronological order) and kept with the SWPPP. At a minimum, the report shall include:
- a. The inspection date;
  - b. Name(s) and title(s) of qualified person(s) making the inspection;
  - c. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including:
    - i. best estimate of the beginning of each storm event;
    - ii. duration of each event;
    - iii. time elapsed since last storm event; and
    - iv. approximate amount of rainfall for each event (in inches).
  - d. Location(s) of discharges of sediment or other pollutants from the site;
  - e. For inspections occurring during or after a storm event, a description of stormwater discharged from the site (presence of suspended sediment, turbid water, discoloration, and/or oil sheen, as applicable);
  - f. Location(s) and identification of BMPs that need to be maintained, failed to operate as designed, or proved inadequate;
  - g. Location(s) where additional BMPs that did not exist at the time of inspection are needed;
  - h. Identification of all sources of non-stormwater and the associated pollution prevention control BMPs;
  - i. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas;
  - j. Corrective actions required, including any changes to SWPPP necessary, and implementation dates (of corrective actions/maintenance, and SWPPP changes);
  - k. Identification of any non-compliance with the conditions of this permit, or where the inspector does not identify any incidents of non-compliance, the inspection report shall contain a certification that the construction project or site is being operated in compliance with the SWPPP and this permit; and

I. Certification statement and signature in accordance with Part V.III.J.

5. Revising the SWPPP. Based on the results of the inspection, the operator shall revise the SWPPP to include additional or modified BMPs designed to correct problems identified. The operator shall complete revisions to the SWPPP within 15 business days following the inspection.

**I. Maintenance of BMPs.**

1. The operator shall maintain all erosion and sediment control measures (BMPs) and other protective measures identified in the SWPPP in effective operating condition.
2. If existing BMPs need to be repaired or modified or additional BMPs are necessary, the operator shall implement those corrections before the next anticipated storm event and within the following timeframes:
  - a. All silt fences shall be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/3 of the height of the fence. Repairs and maintenance activities shall be made within 24 hours of discovery, or as soon as field conditions allow.
  - b. Sediment shall be removed from temporary and permanent sedimentation basins and traps when the depth of sediment collected in the basin reaches 50% of the storage capacity. Drainage and removal shall be completed within 72 hours of discovery, or as soon as field conditions allow access.
  - c. Construction site egress location(s) shall be inspected for evidence of off-site tracking of sediment, debris, and other pollutants onto paved surfaces. Removal of sediment, debris, and other pollutants from all off-site paved areas shall be completed within 24 hours of discovery, and before the next anticipated storm event, or as otherwise required by Federal, State, and local requirements, whichever is soonest.
  - d. If site inspections identify any other BMPs that are not operating effectively, the operator shall perform maintenance within 5 days of discovery, or before the next anticipated storm event, whichever is sooner.
  - e. Accumulations of sediment, debris, and other pollutants observed in offsite surface waters, drainage ways, catch basins, and other drainage systems and features shall be removed in a manner and at a frequency sufficient to minimize impacts and to ensure no adverse effects on water quality.

**PART V. MONITORING REQUIREMENTS FOR DISCHARGES TO UNIQUE OR IMPAIRED WATERS**

- A. Monitoring Program. Operators of projects that are located within ¼ mile of impaired or unique waters must prepare and implement a monitoring program that meets the requirements of this Part. Operators of sites that are down-gradient of these waterbodies may be exempted from monitoring if the operator provides a demonstration acceptable to ADEQ that there is no potential for discharge to reach the unique or impaired waterbody.

- B. General Requirements.** The operator shall develop a written site-specific monitoring program including both visual and analytical monitoring. The monitoring program shall be a part of the SWPPP as either an appendix or separate SWPPP section. The monitoring program shall include:
1. Locations of monitoring sites;
  2. The name(s) and title of the person(s) who will perform the monitoring;
  3. A map showing the segments or portions of the receiving water that are most likely to be impacted by the discharge of pollutant(s);
  4. Water quality parameters/pollutants to be sampled;
  5. The citation and description of the sampling protocols to be used;
  6. Visual observation locations, visual observation procedures, and visual observation follow-up and tracking procedures; and
  7. Identification of the analytical methods and related method detection limits (if applicable) for each parameter required;
  8. Additionally, for sites within ¼ mile of an impaired or non-attaining water, the monitoring program shall include:
    - a. An identification of the pollutant(s) of concern based on the most recent 303(b)/303(d) listing or other information available; and
    - b. A description of potential source(s) of this pollutant(s) from the project.
- C. Visual Monitoring Requirements.**
1. Visual Monitoring Schedule. At a minimum, visual monitoring activities for projects near impaired or unique waters shall consist of weekly site inspections. In addition, the operator shall visually observe stormwater discharges at all discharge locations within one business day after each 0.25 inch of precipitation from a storm event. Visual observations are only required during daylight hours (sunrise to sunset).
  2. Visual Monitoring Locations. The inspector shall visually observe each drainage area for the presence of current (and indications of prior) discharges and their sources.
  3. Visual Monitoring Parameters. Visual observations shall document the presence or evidence of any discharge, pollutant characteristics (floating and suspended material - clarity and solids, sheen, color, turbidity, odor, foam etc.), and source.
  4. Visual Monitoring. The operator shall document conditions noted during visual monitoring. Documentation shall include photographs of site conditions including sediment loads, erosion and waste control BMPs and any discharges.
- D. Analytical Monitoring Requirements.**
1. Analytical Monitoring Schedule. Analytical monitoring shall be performed when stormwater is discharged from the site or enters a water of the U.S. Monitoring shall not be limited by season and shall continue until final stabilization for the site is established and an NOT is filed.
  2. Adverse conditions exception. The operator is not required to physically collect samples during dangerous weather conditions such as flooding and electrical storms; or during nighttime hours (sunset to sunrise). Information on any adverse conditions that prevented sampling shall be documented in the SWPPP.
  3. Analytical Monitoring Locations.
    - a. The operator shall conduct discharge sampling at locations observed or suspected to contain the greatest pollutant load resulting from the construction activities.

- b. Unique or impaired streams shall be sampled both immediately upstream and downstream of each discharge point. If there are two or more discharge locations from the site to the same unique or impaired stream, the operator may sample at one upstream and one downstream location in the stream. Additional monitoring points shall be located at the discharge points of the construction site. If the impaired or unique water is a lake, a site specific proposal for sampling the impact area shall be submitted.
- 4. Analytical Monitoring Parameters.
  - a. The operator shall monitor for turbidity when discharging to a unique or impaired water. The operator shall compare turbidity values from the sample locations referenced in Part V.D.3.b. If there is a 25% increase at the downstream monitoring location, the operator shall evaluate and replace, maintain, or install additional BMPs as necessary to reduce sediment transport.
  - b. The operator shall also sample discharges to impaired waters for any additional pollutants for which the water is impaired.
- 5. Sample Collection, Preservation, Tracking, Handling and Analyses. The operator shall establish written procedures for sample collection, preservation, tracking, analyses, and handling, including the following:
  - a. Identify sample analyses and associated analytical methods (fixed base laboratory and field analyses);
  - b. Use of only preserved (as necessary), pre-cleaned sample containers provided by the laboratory;
  - c. Labeling each sample container with indelible ink noting sampler's name(s), sample identification, date and time of sample collection, sample location (discharge location), requested analyses, project name or number, and preservation (as appropriate);
  - d. Tracking samples using chain-of-custody forms. The COC shall include, at a minimum, sampler's name(s), phone number, date and time of sample collection, sample identification, requested analyses, project name or number;
  - e. Transporting and shipping samples for laboratory analyses in a manner that minimizes destruction of the sample or otherwise compromises sample integrity. Samples shall be provided to the analytical laboratory in a timeframe not exceeding analytical method hold times;
  - f. Designating and training personnel to collect, maintain, and ship samples in accordance with the above sample protocols and good laboratory practices.
- E. Monitoring Methods. All monitoring instruments and equipment (including operators' own field instruments for measuring pH and turbidity) shall be calibrated and maintained in accordance with manufacturers' recommendations. All laboratory analyses shall be conducted according to test procedures specified in 40 CFR Part 136, unless other test procedures have been specified in this General Permit.

All samples collected for monitoring must be analyzed by a laboratory that is licensed by the ADHS Office of Laboratory Licensure and Certification. This requirement does not apply to parameters which require analysis at the time of sample collection as long as the testing methods used are approved by ADHS or ADEQ. These parameters may include flow, dissolved oxygen, pH, temperature, and total residual chlorine. The operator may conduct field analysis of turbidity if the operator has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform the field analysis.

**F. Records.**

1. **Record Submittal.** The operator shall submit monitoring records twice a year. Monitoring records for the period between June 1 and October 31 shall be submitted to ADEQ by November 30<sup>th</sup> of each year or at the time of final stabilization and NOT submittal, whichever is sooner. Monitoring records for the period between November 1 and May 31 shall be submitted to ADEQ by June 30<sup>th</sup> of each year or at the time of final stabilization and NOT submittal, whichever is sooner.

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or other format specified by the Director.

2. **Record Retention.** The operator shall retain records of all stormwater monitoring information and reports as part of the SWPPP for a period of at least three years from the date the NOT was submitted to ADEQ. In addition to the requirements in Part VIII.I of this permit, these records shall include:
  - a. The date, place, time of inspections, visual and analytical monitoring and any related measurements, including precipitation;
  - b. The name and title of the qualified person performing the visual and analytical monitoring and any related measurements; and
  - c. The response(s) taken to reduce or prevent pollutants in discharge

**PART VI. SPECIAL CONDITIONS**

- A. Hazardous Substances or Oil.** The operator shall prevent or otherwise minimize the discharge of hazardous substances or oil in the discharge(s) from the construction site in accordance with the SWPPP. This permit does not relieve the operator of the reporting requirements under 40 CFR 110, 40 CFR 117 and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.
- B. Releases in Excess of Reportable Quantities.** Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302 occurs, the operator shall:
  1. The operator shall modify the SWPPP within 15 business days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, SWPPPs shall identify measures to prevent the reoccurrence of the releases and to respond to such releases; and
  2. Provide notice to the National Response Center in accordance with 40 CFR Part 110, 40 CFR part 117, and 40 CFR Part 302.

- C. **Spills.** This general permit does not authorize the discharge of any hazardous substances or oil resulting from on-site releases.
- D. **Continuation of the Expired General Permit.** If ADEQ does not reissue this general permit before the expiration date, it will be administratively continued and remain in force and effect. Operators granted general permit coverage before the expiration date will automatically remain covered by the continued general permit until the earlier of:
1. Reissuance or replacement of the general permit, at which time the operator shall comply with the NOI conditions of the new general permit to maintain authorization to discharge; or
  2. The date ADEQ receives the operator's NOT; or
  3. The date ADEQ issues an individual permit for the project's discharge; or
  4. The date ADEQ issues a formal permit decision not to reissue this general permit, at which time operators shall seek coverage under an alternative general permit or an individual permit.

#### **PART VII. RETENTION OF RECORDS**

- A. **Documents.** The operator shall retain copies of SWPPPs and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, for at least three years from the date of submittal of an NOI. ADEQ may extend this retention period upon request by notifying the operator in writing at any time prior to the end of the standard three year retention period.
- B. **Maintaining Inspection Records.** The operator shall ensure the inspection report and record of any follow-up actions taken is retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated.

#### **PART VIII. STANDARD PERMIT CONDITIONS**

- A. **Duty to Comply.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(a)(1) and A.R.S. § 49-261, 262, 263.01, and 263.02.]
1. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act; A.R.S. Title 49, Chapter 2, Article 3.1; and A.A.C. Title 18, Chapter 9, Articles 9 and 10, and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, or denial of a permit renewal application.
  2. The issuance of this permit does not waive any federal, state, county, or local regulations or permit requirements with which a person discharging under this permit is required to comply.
  3. The operator shall comply with any effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.
- B. **Need to Halt or Reduce Activity Not a Defense.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(c)]. It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted

activity in order to maintain compliance with the conditions of this permit.

- C. Duty to Mitigate.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(d)] The operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- D. Proper Operation and Maintenance.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(e)] The operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.
- E. Permit Actions.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(f)] This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- F. Property Rights.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(g)] This permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, nor any infringement of federal, state, Indian tribe, or local laws or regulations.
- G. Duty to Provide Information.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(h)] The operator shall furnish to ADEQ, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The operator shall also furnish to ADEQ upon request, copies of records required to be kept by this permit.
- H. Inspection and Entry.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(i)] The operator shall allow the Director, or an authorized representative, upon the presentation of credentials and such other documents as may be required by law, to:
1. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;
  2. Have access to and copy, at reasonable times, any records that shall be kept under the terms of the permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring equipment or control equipment), practices or operations regulated or required under this permit; and
  4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by A.R.S. Title 49, Chapter 2, Article 3.1, and A.A.C. Title 18, Chapter 9, Articles 9 and 10, any substances or parameters at any location.
- I. Monitoring and Records.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(j)]
1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  2. The operator shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or

application. This period may be extended by request of the Director at any time.

3. Records of monitoring information shall include:
  - a. The date, exact place and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) the analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
4. Monitoring shall be conducted according to test procedures approved under 9 A.A.C. Chapter 14, Article 6 as incorporated by reference in R18-9-A905(B); unless specific test procedures have been otherwise specified in this permit.
5. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which includes the possibility of fines and/or imprisonment.

**J. Signatory Requirements.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(k) and (l); R18-9-A905(A)(1)(c) which incorporates 40 CFR 122.22]

1. NOIs. All NOIs shall be signed and certified as follows:
  - a. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means:
    - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
  - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency is the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).



2. Reports and Other Information: All NOTs, SWPPPs, reports, certifications, or information required by this permit and other information requested by ADEQ shall be signed by a person described in Part VIII.J.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part VIII.J;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the operator. (A "duly authorized representative" may be either a named individual or any individual occupying a named position); and
  - c. The signed and dated written authorization is included in the SWPPP and submitted to ADEQ upon request.
3. Changes to Authorization. If the information on the NOI filed for general permit coverage is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new NOI shall be submitted to ADEQ prior to or together with any reports, information, or applications to be signed by the signatory or an authorized representative.
4. Certification. Any person signing documents, including inspection reports under the terms of this permit shall make the following certification:

*I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

**K. Reporting Requirements.** [R18-9-A905(A)(3)(a) which incorporates 40 CFR 122.41(l)]

1. Planned changes. The operator shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) (incorporated by reference at R18-9-A905(A)(1)(e)); or
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (incorporated by reference at R18-9-A905(A)(3)(b)).
2. Anticipated noncompliance. The operator shall give advance notice to the Director of any planned changes in the permitted facility or activity which may

result in noncompliance with permit requirements.

3. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit. If the operator monitors any pollutant more frequently than required by the permit, using test procedures approved under 9 A.A.C. Chapter 14, Article 6 or as specified in the permit, then the results of this monitoring shall be included in the calculation and reporting of the data to ADEQ.
  4. Twenty-four hour reporting.
    - a. The operator shall report to ADEQ any noncompliance which may endanger human health or the environment. The operator shall orally notify the office listed below within 24 hours:

Arizona Department of Environmental Quality  
1110 W. Washington, 5th floor (5515B-1)  
Phoenix, AZ 85007  
Office: 602-771-4592; Fax 602-771-4528
    - b. A written submission shall also be provided to the office identified above within five days of the time the operator becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  6. Other noncompliance. The operator shall report all instances of noncompliance not otherwise required to be reported under this section, when discovered. The reports shall contain the information listed in paragraph (5) of this section.
  7. Other information. When the operator becomes aware that he or she failed to submit any relevant facts in the NOI or in any other report to ADEQ, the operator shall promptly submit the facts or information to the Surface Water Section of ADEQ.
- L. Reopener Clause.** [R18-9-A905(A)(3)(d) which incorporates 40 CFR 122.44(c)]. ADEQ may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.
- M. Other Environmental Laws.** No condition of this general permit releases the operator from any responsibility or requirements under other environmental statutes or regulations. For example, this permit does not authorize the "take" of endangered or threatened species as prohibited by section 9 of the Endangered Species Act, 16 U.S.C. 1538. Information regarding the location of endangered and threatened species and guidance on what activities constitute a "take" are available from the U.S. Fish and Wildlife Service at [www.fws.gov](http://www.fws.gov).
- N. State or Tribal Law.** [Pursuant to R18-9-A904(C)] Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Tribal law or regulation under authority preserved by Section 510 of the Clean Water Act.
- O. Severability.** The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provision of this general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of this general permit shall not be affected.

## **PART IX. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS**

Any permit noncompliance constitutes a violation and is grounds for an enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

- A. Civil Penalties.** A.R.S. § 49-262(C) provides that any person who violates any provision of A.R.S. Title 49, Chapter 2, Article 2, 3 or 3.1 or a rule, permit, discharge limitation or order issued or adopted under A.R.S. Title 49, Chapter 2, Article 3.1 is subject to a civil penalty not to exceed \$25,000 per day per violation.
- B. Criminal Penalties.** Any a person who violates a condition of this general permit, or violates a provision under A.R.S. Title 49, Chapter 2, Article 3.1, or A.A.C. Title 18, Chapter 2, Articles 9 and 10 is subject to the enforcement actions established under A.R.S. Title 49, Chapter 2, Article 4, which may include the possibility of fines and/or imprisonment.

## **PART X. DEFINITIONS**

“24 hour period” means any consecutive 24-hour period

“Anticipated storm event” for the purpose of this permit, means any storm event with at least a 30% chance of precipitation as predicted by the National Weather Service for the local climate zone.

“Arid areas” for purposes of this permit, means the parts of the state that receive an annual rainfall of less than 20 inches.

“Best management practices” (BMPs) means those methods, measures or practices to prevent or reduce discharges and includes structural and nonstructural BMPs and operation and maintenance procedures. Best management practices may be applied before, during and after discharges to reduce or eliminate the introduction of pollutants into receiving waters. In addition, the term shall include erosion and sediment control BMPs, stormwater conveyance, stormwater diversion, and treatment structures, and any procedure or facility used to minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater.

“Business day” means a day that is not a Saturday, Sunday, legal holiday, or a day the state of Arizona observes a legal holiday.

“Commencement of construction activities” means the initial disturbance of soils associated with clearing, grading, excavating, or stockpiling of fill material activities or other construction-related activities.

“Common plan of development” means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

“Construction activity” includes clearing, grading, excavating, stockpiling of fill material and other similar activities resulting in a land disturbance of at least one acre. Construction activity also includes clearing, grading, stockpiling, etc. that occurs in smaller areas if part of a larger common plan of development or sale that will ultimately disturb one or more acres,

“Day” means a calendar day or any 24-hour period that reasonably represents the calendar day.

"Department" means the Arizona Department of Environmental Quality.

"Discharge" means any addition of any pollutant to waters of the United States from any point source.

"Drought" means for purposes of this permit, weather conditions considered "severely" or "extremely" dry (i.e., has a value of -1.50 or less) as evaluated by the Standardized Precipitation Index (SPI) which compares current cumulative precipitation to average conditions.

"Eligible" means authorization to discharge stormwater under this general permit.

"Ephemeral" means a surface water that has a channel that is at all times above the water table, and that flows only in direct response to precipitation. [A.A.C. R18-11-101(22)]

"Erosion control" means temporary or permanent measures to prevent soil particles from detaching and being transported in stormwater.

"Impaired water" means waters that have been assessed by ADEQ, under the CWA, Section 303(d), as not attaining a water quality standard for at least one designated use, and are listed in Arizona's 2004 303(d) and Other Impaired Waters List.

"Municipal separate storm sewer system" (MS4) means all separate storm sewers defined as "large," "medium," or "small" municipal separate storm sewer systems or any municipal separate storm sewers on a system-wide or jurisdiction-wide basis as determined by the Director under R18-9-C902(A)(1)(g)(i) through (iv). [A.A.C. R18-9-A901(23)]

"Non attaining" means a surface water is assessed as impaired but is not placed on the 303(d) List because:

1. A TMDL is prepared and implemented for the surface water;
2. An action, which meets the requirements of R18-11-604(D)(2)(h), is occurring and is expected to bring the surface water to attaining before the next 303(d) List submission; or
3. The impairment of the surface water is due to pollution but not a pollutant, for which TMDL load allocation cannot be developed. [AAC18-11-601(11)].

"Notice of Intent" (NOI) means the application to operate under this general permit.

"Notice of Termination" (NOT) means the application to terminate coverage under this general permit.

"Person" means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body or other entity. [A.R.S. § 49-201(27)]

"Pollutant" means sediment, fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt (e.g., overburden material), and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. [A.R.S. § 49-201(29)]

"Received," for the purposes of this permit and in reference to NOIs or NOTs or Permit Waiver Certificate forms means:

1. The day the information was signed electronically via the Smart NOI system and submitted to ADEQ,
2. The day the signed form was faxed to ADEQ,
3. The date of hand-delivery of the signed form to ADEQ, or
4. The date ADEQ signs for certified mail containing the signed form.

"Reclaimed water" means water that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility. A.R.S. § 49-201(31).

"Sediment control" means measures designed to intercept and settle out soil particles that have become detached and transported by water. Sediment control measures complement soil stabilization measures (erosion control).

"Significant contributor of pollutants" means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

"Stabilization" refers to covering or maintaining an existing cover over soil that reduces and minimizes erosion.

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater Pollution Prevention Plan" (SWPPP) means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants.

"Total Maximum Daily Load" (TMDL) means an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain applicable surface water quality standards. Each total maximum daily load shall include allocations for sources that contribute the pollutant to the water, as required by section 303(d) of the clean water act (33 United States Code, Section 1313(d)) and regulations implementing that statute to achieve applicable surface water quality standards. [A.R.S. § 49-231(4)]

"Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

"Unique water" means a surface water that has been designated by ADEQ as an outstanding state resource under A.A.C. R18-11-112. ADEQ anticipates that the term 'unique water' will be replaced with 'outstanding Arizona water' within the permit term.

"Waters of the United States" (U.S.) is defined in 40 CFR 122.2.

"Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland includes a swamp, marsh, bog, cienega, tinaja, and similar areas. [A.A.C. R18-11-101(49)]

## **PART XI. ACRONYMS**

AAC- Arizona Administrative Code

ADEQ - Arizona Department of Environmental Quality

ARS - Arizona Revised Statute

AZPDES - Arizona Pollutant Discharge Elimination System

BMP - Best Management Practice

CFR - Code of Federal Regulations

CWA - Clean Water Act

DMR - Discharge Monitoring Report

EPA - Environmental Protection Agency

MS4 - Municipal Separate Storm Sewer System

NOI - Notice of Intent

NOT - Notice of Termination

NPDES - National Pollutant Discharge Elimination System

SWPPP - Stormwater Pollution Prevention Plan

TMDL - Total Maximum Daily Load

USGS - United States Geological Survey